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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/454,770	12/03/1999	CLIFFORD C. THOMPSON	2849/0G277	4218
7590	01/13/2004		EXAMINER	
DARBY & DARBY P C 805 THIRD AVENUE NEW YORK, NY 10022			ROBINSON BOYCE, AKIBA K	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/454,770	THOMPSON, CLIFFORD C
Examiner	Art Unit	
Akiba K Robinson-Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 October 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Status of Claims

1. Due to communications filed 10/17/03, the following is a final office action.

Claims 1-10 are pending in this application and have been examined on the merits.

Claims 11-39 have been cancelled. Claim 1 has been amended. The previous rejection has been withdrawn and the following rejection reflects the claims as amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsden, et al (US Patent 6,105,014).

As per claim 1, Ramsden, et al discloses:

Providing the parcel to the carrier and dispatching the carrier with the parcel to the location of the intended recipient in accordance with delivery instructions associated with the parcel, the location corresponding to the address of the intended recipient on the delivery instructions, (Col. 11, lines 9-15, where "providing" represented by the packages being retrieved through the first service access opening, "dispatching" represented by presenting the carrier with the list of deposits that customers have

selected for that particular delivery service as the packages are retrieved through the first service access opening. Here, the parcel will be delivered to an intended recipient since the deposits are ones in which customers have selected. In this case, the manifest tells the carrier which deposit door to retrieve packages out of, therefore, the carrier is dispatched to the particular deposit, where the "delivery instructions" are represented by the manifest since the customer enters in a desired zip code for a specific desired commercial delivery service [shown in Col. 8, lines 52-54 and Col. 9, lines 19-21];

Accessing the secure receptacle, (Col. 9, lines 51-61, represented by unlocking the magnetic lock to permit the customer it slide the outer door);

Placing the parcel within the secure receptacle, (Col. 9, lines 61-63, represented by placing the parcel or package on the flat surface immediately to the rear of outer door);

Securing the secure receptacle, (Col. 2, lines 60-65, Col. 13, lines 58-62, represented by the door of the storage area being accessed and secured by a combination or code type lock);

automatically registering the placement of the parcel within the secure receptacle after the securing step, (Col. 2, line 57-60, Col. 2, line 65-Col. 3, line 4, represented by providing the shipping receipt).

Ramsden et al does not specifically disclose the following:

Permitting the carrier to make further deliveries at additional locations after having placed the parcel within the secure receptacle; However, Ramsden et al does disclose that after the packages are rejected and placed in a space behind the service access opening [reject receptacle] that the delivery service person has the option to repeat a reject process for additional packages (Col.

11, lines 27-31, and lines 47-52,). In this case, this reject process is analogous to the delivery process in the sense that after both packages to be delivered/rejected are placed in a receptacle, additional packages to be delivered/rejected are subjected to the delivery/rejection process.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to permit the carrier to make further deliveries at additional locations after having placed the parcel within the secure receptacle with the motivation of completing the delivery process for all parcel in the system queue without having any incomplete delivery requests.

As per claim 2, Ramsden, et al discloses:

reading a code on the parcel in response to the securing step...(Col. 18, lines 34-41, represented by providing manifest information to the service personnel upon receipt of certain codes);

storing the code in a memory...(Col. 18, lines 41-44, represented by providing the manifest information into the DIAD board).

As per claim 3, Ramsden, et al discloses:

accessing a remote location by a communication link, (Col. 24, lines 26-32, represented by the telephone communications link);

conveying the placement data to the remote location, (Col. 24, lines 33-37, represented by the data pertaining to the parcel being automatically transmitted to the remote monitoring system);

wherein the registering step is in response to and contemporaneously with the securing step, (Col. 2, lines 57-67, where registering is analogous to providing the receipt).

As per claim 4, Ramsden, et al discloses:

wherein the secure receptacle has a locked state and an unlocked state and wherein the securing step includes the additional step of:

moving from the locked state to the unlocked state after receiving the parcel, (Col. 13, lines 58-62, represented by deactivating the magnetic lock upon entry of a code).

As per claim 5, Ramsden, et al discloses:

wherein the authorized identifier is received from at least one of ...a key pad.../wherein the access device is configured to receive at least one of:...a code from a keypad...(Fig. 8, [226], represented by the picture of a keyboard).

As per claim 6, Ramsden, et al discloses:

wherein the secure receptacle has a locked state and an unlocked state, and wherein the securing step includes...moving from the unlocked state to the locked state upon receiving the parcel.../wherein the lock secures the door...(Col. 14, lines 45-54, represented by the customer closes the open outer slide door. Once the outer slide door is closed, it is locked by the control of the microprocessor as shown in Col. 18, lines 28-30).

As per claims 7-9, Ramsden, et al discloses:

including the additional step of generating a log entry in response to the accessing/securing/registering step (Col. 10, lines 32-45, where the log entry is represented by the master control screen which includes the package history log).

As per claim 11, Ramsden, et al discloses:

Generating a pick-up request with shipping information including an identification of the location of the secure receptacle and an identification of a carrier, (Col. 2, lines 47-55, represented by the destination and the delivery service option that is selected by the consumer);

Transmitting the pick-up request from the vicinity of the location to a remote location associated with the carrier, (Col. 11, lines 9-15 and lines 53-56, represented by the manifest that is presented to the commercial delivery service);

Dispatching the carrier to the location of the secure receptacle in response to the pick-up request...(Col. 29, lines 20-23, Col. 11, lines 9-15 and lines 53-56, represented by presenting a list of deposits for a particular delivery service person chosen by the customer);

accessing the secure receptacle, (Col. 29, line 28-31, represented by the carrier entering in a code in a lock on a locked door);

removing the parcel from the secure receptacle, (Col. 29, lines 34-37, represented by receiving the stored packages from the designated area);

registering the removal of the parcel from the secure receptacle after the removing step wherein the registering step is in response to and contemporaneous with the removing step...(Col. 29, lines 31-34, Col. 2, line 65-Col. 3, line 4, where registering is analogous to providing the receipt).

As per claim 10, Ramsden, et al fails to disclose:

where in the placing step is performed at night.

Official notice is taken that it is old and well known in the parcel delivery art to place the parcel within the secure receptacle at night. It would have been obvious to one of ordinary skill in the art to place the parcel within the secure receptacle at night with the motivation of keeping the package secure by avoiding outside interferences that are reduced at night.

Response to Arguments

4. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Friday 8:30 am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



A. R. B.
January 5, 2004



TARIQ R. HAFIZ
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